

Appl. No. 09/632,722
Amdt. dated January 26, 2004
Reply to Office Action of August 25, 2003

PATENT

Amendments to the Drawings:

The attached sheets of drawings include changes to Figs. 1-1 and 1-2. These sheets, which include Figs. 1A and 1B, replace the original sheets including Figs. 1-1 and 1-2.

Attachment: Replacement Sheets

REMARKS/ARGUMENTS

I. Status of the Claims

Claims 1-43 are currently pending, with claims 16 and 34-43 withdrawn from consideration as directed to a non-elected invention. Upon entry of this amendment, the amended claims and canceled claims are amended and canceled without prejudice or disclaimer. Claims 16, 34 and 43 are canceled solely because they are considered drawn to non-elected inventions. Claim 1 has been amended to include the elements of claim 3.

Claims 28-31 have been reworked from product-by-process type claims to related method claims. These claims are thus supported by original claims 28-31, as well as, for example, page 12, lines 5-31 and page 13, lines 11-31. Claim 33 has simply been converted from a use type claim to a corresponding method claim. The amendment is supported, for example, at page 15, lines 22-32. The other claim amendments are simply to make typographical changes or to improve clarity. Because these claim amendments are not narrowing amendments nor made for reasons of patentability, these claims are entitled to the same scope of equivalents as the original claims. Applicants reserve the right to reintroduce the unamended or canceled claims in this or another application.

Claims 1, 4-15, 17-33 are pending following entry of this amendment.

II. Priority

As requested, a certified copy of the Austrian priority document A 1377/99 is attached.

III. Objections to the Claims

Claim 3 has been amended to delete the extraneous period as requested.

Claims 10 and 19 have been amended to recite to "claim" rather than "Claim" for consistency with usage in the other claims as requested.

IV. Claim Rejections under 35 U.S.C. §112, First Paragraph

Claims 1-15 and 17-33 are rejected because the claims are said to read on analogs in which the entire region between Glu226 and Arg234 or Ile235 is deleted; such analogs are said not to be enabled by the specification.

In response, it is noted that base claim 1 has been amended to recite to factor X analogs which contain a modification between Glu226 and Ile235 of SEQ ID NO:2, such that amino acids Glu226 to Arg234 and residue 235 of SEQ ID NO:2 have the sequence Glu226-R8-R7-R6-R5-R4-R3-R2-Arg234-R1, wherein R8, R7, R6, R5, R4, R3, R2 and R1 are selected from certain amino acids recited in the claim. As such, the claim does not encompass an analog in which the entire region between Glu226 and Arg234 or Ile 235 is deleted. The specification also includes extensive discussion on methods for preparing and using such analogs (see, e.g., page 7, line 24 to page 22, line 5 and the examples).

It is thus submitted that claim 1 is enabled and that the rejection should be withdrawn with respect to this claim. Because the other claims directly or indirectly cite to claim 1, it also submitted that the rejection should be withdrawn with respect to the other claims as well.

V. Claim Rejections under 35 U.S.C. §102

Claims 1-2, 8-15 and 17-33 are said to be anticipated by published PCT application WO 98/38317 to Himmelspace et al. (Himmelspace).

In response, it is noted that claim 1 as amended is directed to certain factor X analogs that include modifications at Arg227 and Gly228. Specifically, the claim states that Gln, Ser, His, Tyr or Glu is substituted for Arg227. It also recites that Ser, Gln, Ile, Thr, Asn or Pro is substituted for Gly228. Himmelspace does not teach or suggest factor X analogs that include modifications at Arg227 and Gly228 and, more particularly, does not teach or suggest the foregoing specific substitutions.

Because Himmelspace does not teach each element of claim 1 as currently pending as required for an anticipation rejection, this reference fails to anticipate this claim. Since the other claims directly or indirectly cite to claim 1, it is submitted that they are patentable for at least the same reasons. It is thus requested that this rejection be withdrawn.

VI. Drawing Amendments/Amendments to the Specification

Figs. 1-1 and 1-2 have been relabeled as Figs. 1A and 1B, respectively, in conformance with 37 C.F.R. 1.84. References to these figures in the specification has also be changed accordingly. The amendment to the paragraph on page 8 is made simply to clarify that R8 corresponds to Arg227 rather than Arg229 and is consistent with the sequence as listed in Figure 1-1. None of these amendments introduce new matter.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,



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